

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VICTOR WATERFORD,

Petitioner,

v.

Case No. 11-cv-10664
HON. AVERN COHN

GREG MCQUIGGIN,

Respondent.

_____ /

ORDER DENYING PETITIONER'S MOTION (Doc. 6)

I.

This is a habeas case under 28 U.S.C. § 2254. Petitioner Victor Waterford, proceeding *pro se*, filed a petition on February 17, 2011. Before the Court is Petitioner's "Motion to Rule on Petitioner 28 U.S.C.A. 2254 Without Respondent or Attorney General," filed on May 2, 2011. For the reasons that follow, the motion will be denied.

II.

Petitioner is requesting that the Court rule on his habeas case without an answer from Respondent, because he says that Respondent failed to timely file his answer and the necessary Rule 5 materials. Petitioner says that Respondent should have filed those materials by April 25, 2011. He is mistaken. The Court ordered Respondent to produce his answer and the necessary Rule 5 materials by August 25, 2011, not April 25, 2011. See Doc. 5. Petitioner has simply misread the date in which the answer and Rule 5 materials are due. As such, he is not entitled to the relief he seeks.

Accordingly, Petitioner's motion is DENIED.

SO ORDERED.

Dated: May 12, 2011

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to Victor Waterford 217934, Chippewa Correctional Facility, 4269 W. M-80, Kincheloe, MI 49784 on this date, May 12, 2011, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160